

JOSEPH SALVO  
JSALVO@GRSM.COM  
DIRECT DIAL: (212) 453-0725

**GORDON & REES**  
**SCULLY MANSUKHANI**

ATTORNEYS AT LAW  
1 BATTERY PARK PLAZA, 28<sup>TH</sup> FLOOR  
NEW YORK, NY 10004  
WWW.GRSM.COM

May 7, 2020

**By ECF**

The Honorable Sarah L. Cave,  
United States District Court for the  
Southern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

**Re: WGH Communications, Inc. v. Penachio Malara LLP et al.,  
Case No. 1:19-cv-2230-LTS-SLC  
Letter Motion to Request Adjournment**

Dear Judge Cave:

We represent defendants Penachio Malara LLP and Anne Penachio (the “Penachio Defendants”) in this matter. Please allow this to serve as a joint defense request, joined by Bronson Law Offices, PC and Bruce Bronson (“Bronson Defendants”) to adjourn the initial conference in accordance with Fed. R. Civ. P. 16, scheduled for May 27, 2020, by telephone, and also to stay discovery of this matter while dispositive motions are pending.

Penachio Defendants and Bronson Defendants each filed a motion to dismiss plaintiff’s Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(6), which was fully briefed and submitted as of April 24, 2020. The pending dispositive motions are the third such motions with respect to the pleadings.

In light of the pending motions, the Penachio Defendants’ and Bronson Defendants’ position is that discovery should be stayed until the pending motions are decided by the Court. In sum, to undertake extensive steps towards commencing discovery would be burdensome and costly on all parties, which could be rendered moot if the claims are dismissed. Moreover, under the current circumstances related to the Covid-19 global pandemic, the ability for the parties to gather relevant documents and information necessary to engage in discovery has been severely hampered, if not made practically impossible.

On May 6<sup>th</sup>, consistent with the Court’s Order dated April 20, 2020 (the “Order”), counsel for all parties participated in a conference call pursuant to Fed. R. Civ. P. 26(f), to discuss a discovery plan. Penachio Defendants and Bronson Defendants communicated their position to Plaintiff that discovery should be stayed while the motions are pending. Plaintiff

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does not agree and wishes discovery to proceed. No prior requests for an adjournment of the Fed. R. Civ. P. 16 initial conference has been made by Penachio Defendants or Bronson Defendants.

In light of the above, we respectfully request that the May 27, 2020 Fed. R. Civ. P. 16 conference be adjourned. We thank the Court for its consideration.

Respectfully,

GORDON REES SCULLY MANSUKHANI, LLP



Joseph Salvo

JS:bag

cc: All counsel of record (via ECF)

The request to adjourn the initial case management conference pending ruling on dispositive motions is DENIED.

The parties' proposed case management plan should contemplate allowances in light of the COVID-19 Pandemic. The Court will discuss this request with the parties at the May 27, 2020 conference.

The Clerk of Court is respectfully directed to close the Letter-Motion at ECF No. 61.

SO ORDERED

5/8/2020



SARAH L. CAVE  
United States Magistrate Judge